



# California Fair Political Practices Commission

December 31, 1986

Carolyn S. Richardson  
Assistant Counsel  
California Farm Bureau Federation  
1601 Exposition Boulevard  
Sacramento, CA 95815

Re: Your Request for Advice  
Our File No. A-86-304

Dear Ms. Richardson:

You have requested confirmation of advice I provided to you by telephone on October 27, 1986, concerning the campaign disclosure provisions of the Political Reform Act ("the Act").<sup>1/</sup> In addition, I provided advice to you on November 14, 1986, concerning a related matter which I told you would also be confirmed in this letter.

## FACTS

The Sonoma County Farm Bureau ("the local bureau") received checks which were made payable to the local bureau but which were intended by the individuals who wrote the checks to be contributions to the California Farm Bureau Federation's state political action committee (FARM PAC). The local bureau did not deposit the funds into its own account, but merely endorsed the checks over to FARM PAC.

Prior to the November 4, 1986 general election, the local bureau also purchased advertising on behalf of FARM PAC opposing Proposition 65. The local bureau has requested reimbursement. Normally when a local bureau makes expenditures on behalf of FARM PAC, it requests a check from FARM PAC prior to making the expenditure, or requests the vendor to bill FARM PAC directly. However, because the advertising was purchased during the last few days before the election and because the vendor required prepayment, the local bureau paid the vendor directly.

---

<sup>1/</sup>Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise noted.

QUESTION

Do either of these activities require the local bureau to register and file reports as a recipient committee?

CONCLUSION

Under the circumstances you have described, the local bureau is not a recipient committee and is not required to register and file campaign disclosure reports. All of the receipts and expenditures must be reported by FARM PAC.

ANALYSIS

Government Code Section 82013 contains three definitions of the term "committee." Subsection (a) defines what is commonly referred to as a "recipient committee," which is a person or a combination of persons who:

(a) Receives contributions totaling five hundred dollars (\$500) or more in a calendar year;...

When a person receives contributions which are intended for someone else, that person usually is not deemed to have "received" the contributions for purposes of qualifying as a recipient committee. Examples of situations in which a person might receive contributions without qualifying as a committee include:

1. The person receives and transmits checks which were made payable to the intended recipient.
2. The person receives checks made payable to him or her and endorses the checks over to the intended recipient.
3. The person receives checks made payable to him or her and writes a check to the intended recipient from his or her own account.

In each of these situations, the person transmitting the contributions is merely acting as a conduit, or an intermediary, between the donor and the recipient. (Advice Letter to Senator Bob Wilson (No. 79-077, December 13, 1977, copy enclosed.) When an intermediary is involved in the making of a contribution and the true source of the funds cannot easily be determined from the face of the check, the intermediary is required to provide the recipient of the contribution with his or her own name, address, occupation and employer as well as that of the true source of the funds (Section 84302).

Ms. Richardson  
Page Three

In this case, the local bureau received contributions on behalf of FARM PAC, and made expenditures on behalf of FARM PAC, with the understanding that the local affiliate would be reimbursed by FARM PAC. Therefore, the local affiliate was acting on behalf of and as an agent of FARM PAC and did not qualify as a committee under the Act. Therefore, FARM PAC must report all contributions received and expenditures made by the affiliate.<sup>2/</sup>

If you have any further questions regarding this matter, please call me at (916) 322-5662.

Sincerely,

Diane M. Griffiths  
General Counsel



By Carla Wardlow  
Political Reform Consultant

DMG:CW:cah

Enclosures

---

<sup>2/</sup>During our telephone conversation, you indicated that FARM PAC had filed a late independent expenditure report, as required under Section 84204, disclosing the payment made by the local bureau. You should note that if FARM PAC's committee had been primarily formed to support or oppose the ballot measure, or if the expenditure had been made by an entity other than FARM PAC's local bureau, different reporting requirements would have been incurred under Sections 84203 and 84211.



# California Farm Bureau Federation

1601 Exposition Boulevard • Sacramento, CA 95815 • Telephone (916) 924-4000

OCT 30 3 34 PM '86

October 28, 1986

Ms. Carla Wardlow  
Fair Political Practices Commission  
428 J Street  
Sacramento, California 95814

Re: Contributions to Political Action Committee  
Made Payable to Third Party

Dear Ms. Wardlow:

This letter is to confirm our conversation of October 27, 1986. I inquired concerning whether one of our county farm bureaus would become a Recipient Committee under the following circumstances:

1) The county farm bureau has received checks from individuals made payable to it, but intended by the payors to be direct contributions to the California Farm Bureau Federation's Political Action Committee (FARM PAC®).

2) The county farm bureau has not deposited these funds to its own account, but has endorsed them over to the above political action committee.

You have assured me that the above circumstances do not make the county farm bureau a Recipient Committee.

Thank you for your prompt and willing assistance. As always, you are a great help to us in understanding our reporting obligations.

Yours very truly,

CAROLYN S. RICHARDSON  
Assistant Counsel

CSR/wn

cc: Judi Rogers, Secretary  
Sonoma County Farm Bureau



# California Fair Political Practices Commission

November 6, 1986

Carolyn S. Richardson  
Assistant Counsel  
1601 Exposition Boulevard  
Sacramento, CA 95815

Re: 86-304

Dear Ms. Richardson:

Your letter requesting advice under the Political Reform Act was received on October 30, 1986 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact me directly at (916) 322-5662.

We try to answer all advice requests promptly. Therefore, unless your request poses particularly complex legal questions, or more information is needed, you should expect a response within 21 working days.

Very truly yours,

A handwritten signature in cursive script that reads "Jeanne Pritchard by jph".

Jeanne Pritchard  
Chief  
Technical Assistance and Analysis  
Division

JP:plh